



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,449	09/26/2003	Camillo Mele	133569-00011-1	8441

3705 7590 12/03/2004

ECKERT SEAMANS CHERIN & MELLOTT
600 GRANT STREET
44TH FLOOR
PITTSBURGH, PA 15219

EXAMINER

OMGBA, ESSAMA

ART UNIT	PAPER NUMBER
----------	--------------

3726

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,449

Applicant(s)

MELE, CAMILLO

Examiner

Essama Omgba

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on page 2, line 24, --of-- should be inserted after "One".

Appropriate correction is required.

Claim Objections

2. Claim 2 is objected to because of the following informalities: in line 4, --of-- should be inserted after "drying". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melander (US Patent 3,310,912) in view of Harris (US Patent 4,941,572).

With regards to claims 1, 2, 4, 5, 9, Melander discloses a method of making a decorative arrangement comprising providing a wet foam, creating and shaping a nodule and securing decorative elements to the nodule, see column 1, lines 29-35, column 2, lines 21-26 and figure 2. Applicant should note that the foam of Melander is a dry rigid foam in its final state. Although Melander does not specifically disclose the

Art Unit: 3726

plurality of decorative elements being secured to the nodule 4 prior to the nodule becoming a rigid foam, however it is known to secured flowers in a foam block prior to the setting of the foam block as attested by Harris, see column 4, lines 51-56. Therefore it would have been obvious to one of ordinary skill in the art to have secured the plurality of decorative elements of Melander to the foam block prior to it becoming a rigid foam, in light of the teachings of Harris, in order to facilitate the arranging of the decorative elements.

For claim 3, Applicant should note that placing the wet foam at least partially on a film having a release surface to which the foam will not bind is an obvious matter of design choice. Also it is within the general knowledge of one of ordinary skill in the art to form the nodule in relation to a particular use.

For claims 6 and 7, see column 2, lines 21-22 and figures 5 and 6 of Melander.

For claim 8, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately treat the produced foam nodule.

For claims 10 and 11, such decorative arrangements are well within the general knowledge of those of ordinary skill in the art.

For claims 12 and 13, see column 2, lines 27-28 of Melander.

For claim 14, see column 4, lines 39-41 of Harris.

For claim 15, Applicant should note that drying the wet foam at 60 to 100° F in an obvious matter of design wherein no stated problem is solved or unexpected results obtained in drying the wet foam at 60 to 100° F versus drying it at ambient temperature.

For claim 16, see figures 5 and 6 of Melander.

Art Unit: 3726

For claim 17, see figure 7 of Melander.

For claims 18-21, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately fashion the decorations.

For claim 22, see figure 6 of Melander.

For claim 23, see column 4, lines 60-63 of Harris.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3726

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Essama Omgba
Primary Examiner
Art Unit 3726

eo

November 26, 2004